(3)

W.P. 12001/03

BEFORE THE MADHYA PRADESH STATE ADMINISTRATIVE TRIBUNAL

BENCH AT JABALPUR

OA. NO. 2325/1999 WP(S) 1842/03

APPLICANT : Khublal Yadav
s/o Shri HaraSingh Yadav
aged about 41 years resident
of Village and Post Rudri
Tah. & Dist. Dhamtari.

Vs.

NON-APPLICANT : 1. State of M.P. through
the Secretary, Water Resources
Department, Vallabh Bhawan,
Bhopal.

2. The Executive Engineer,
Water Management Division No.1
Near Kalibadi Mandir,
Raipur.

3. The Sub Divisional Officer,
Water Management Head
Sub Division No.1,
Rudri
Tah. & Dist. Dhamtari.

APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.1842 OF 2005

Petitioner : Khublal Yadav

versus

Respondents : State of M.P. and others

Present : Mr. R.S.Jaiswal, Senior Advocate with Mr. Yogesh Pandey, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the respondents.

ORDER
(Passed on 1st of September, 2006)

The petitioner was admittedly appointed as Telephone Clerk (Operator) on daily wages in Water Resources Department. Services of the petitioner were discontinued by order dated 7-8-1999 (Annexure A-2). The petitioner has filed this petition impugning the termination order dated 7-8-1999 (Annexure A-2).

2. Be that as it may, the appointment of the petitioner was not as per the constitutional scheme nor in accordance with law.

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Thus, in the light of the decision of the Supreme Court in *Secretary, State of Karnataka and others vs. Umadevi (3) and others*[1] and in *Mineral Exploration Corporation Employees' Union vs. Mineral Exploration Corporation Limited and another*[2], the petitioner has no right to reappointment, reinstatement, absorption, etc.

3. For the reasons above-stated, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2006) 4 SCC 1

2 JT 2006 (7) SC 151

Gopal